

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 725 of 2019

1. Rupanand @ Rupesh, S/o Premnand, Aged About 27 Years, R/o Village Batouri, P.S. Basna, District : Mahasamund, Chhattisgarh
2. Surendra Kumar, S/o Drupad Lal, Aged About 31 Years, R/o Village Bilkhand, P.S. Basna, District : Mahasamund, Chhattisgarh

---- Appellants

Versus

- State of Chhattisgarh, Through Police Station of Basna, District : Mahasamund, Chhattisgarh

---- Respondent

For Appellants	:	Shri Ravindra Sharma, Advocate
For Respondent/State	:	Shri Subhash Yadav, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

25.06.2019

1. This appeal arises out of order dated 10.04.2019, by which the appellants' application for grant of bail has been rejected by the Special Judge (N.I.A.) Bilaspur, C.G.
2. Learned counsel for the appellant would argue that the trial has not been concluded, though, the appellants have remained in jail since 27.06.2018 and almost one year has been lapsed. It is next argued that most of the material witnesses of the prosecution including the seizure witnesses have already been examined and these seizure witnesses have not supported the prosecution case and turned hostile, therefore, the entire case of recovery of fake currency notes from the appellants has become doubtful. He would next argue that in the absence of there being any evidence contained in the charge sheet, that the appellants were found using counterfeit currency or involved in process of preparing counterfeit currency, prosecution case does not travel beyond ingredients of commission of offence

under Section 489 (c) of the IPC, which is bailable one and the maximum punishment is 7 years. Therefore, the appellants are entitled for grant of bail and the learned trial Court has illegally rejected the bail application.

3. On the other hand, learned counsel for the State opposes the bail application submits that according to the prosecution the appellants were found to be possessed of huge counterfeit currency. From the possession of Appellant No.1 counterfeit currency of total value of Rs.26,000/- and from Appellant No.2 counterfeit currency of total value of Rs.33,000/- has been recovered from their respective residence. Whether or not the evidence of seizure witnesses is to be relied upon is a matter of appreciation at the trial Court and as number of prosecution witnesses are yet to be examined, and that offence is a serious one, in the event of grant of bail, the appellants may flee away from justice and may also protract trial.
4. We have heard arguments of learned counsel for the parties. The appellants are alleged to have committed offence under Section 489 (b) of the IPC. The currency notes are alleged to have been recovered from the possession of the appellants from their residence. We also take note of the submission of learned counsel for the appellant that the trial has not been concluded till date and the appellants have remained in jail for about one year. Further submission of the learned counsel for the appellants is that the independent witnesses of the seizure have not supported the prosecution case and turned hostile.
5. Considering the aforesaid submission, particularly taking into consideration the long detention of about one year and that trial has not been concluded till date, and further important witnesses like seizure witnesses have already been examined and there being nothing to show that in the event of grant of bail, appellants are likely to flee away from justice, we are of the view that the appellants are entitled to grant bail, at this stage, though with appropriate conditions to ensure their presence during trial.
6. As a result, the appeal of the appellants is allowed. The impugned order rejecting bail application is set aside. Each of the appellants shall be released on his furnishing personal bond of Rs.50,000/-

(each) with one local surety of Rs.50,000/- to the satisfaction of the trial Court for his continued appearance before the trial Court, during trial.

7. Accordingly, this appeal is allowed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin